

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:15-cv-00610-MOC-DSC

THIS MATTER is before the court on the court's own Motion. Having considered the motion and reviewed the pleadings, the court enters the following Order.

The court entered a prior scheduling Order (#50) for a Markman hearing to be held on June 26, 2017. Subsequently, the court entered an Order (#59) that stayed the case pending determinations of the U.S. Patent Trial and Appeal Board of one or more of the petitions pending there.

The court is also aware of another pending action between the same parties regarding patent infringement claims, Case No. 3:17-cv-270, filed on May 23rd, 2017. The court instructs the parties to provide written arguments as to whether the similar pending case should be consolidated into the instant lead case. These written filings shall also include arguments as to whether the stay should be lifted for the limited purpose of determining proper jurisdiction of this matter. Specifically, the parties should address whether the District of Oregon is a more appropriate forum for this matter in light of the Supreme Court's recent decision in T.C.

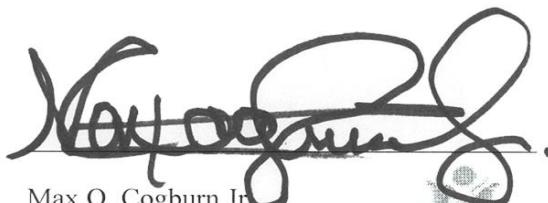
Heartland LLC v. Kraft Food Group Brands LLC, —U.S.—, (2017). Counsel are also encouraged to discuss amicable consolidation and transfer.

ORDER

IT IS, THEREFORE, ORDERED that the court's own Motion is **GRANTED**, and the previously-scheduled Markman hearing is **HELD IN ABEYANCE** pending one or more of the petitions pending before the U.S. Patent Trial and Appeal Board. The parties shall continue to file regular status reports and keep the court abreast of developments of the pending matters before that Board.

FURTHER, IT IS ORDERED that the parties shall file, within thirty (30) days of this Order, written arguments as to (a) whether Case No. 3:17-cv-270 should be consolidated with the instant case and (b) whether the court should retain jurisdiction over the instant matter or transfer the case to another jurisdiction.

Signed: June 20, 2017



Max O. Cogburn Jr.
United States District Judge